

House File 2164 - Introduced

HOUSE FILE _____
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 530)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to voluntary diversity or court-ordered school
2 desegregation plans under the state's open enrollment law.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5331HV 82
5 kh/rj/24

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1 1 Section 1. Section 282.18, subsection 3, Code 2007, is
1 2 amended to read as follows:
1 3 3. ~~In all districts involved with voluntary or~~
~~1 4 court-ordered desegregation, minority and nonminority pupil~~
~~1 5 ratios shall be maintained according to the desegregation plan~~
~~1 6 or order.~~ The superintendent of a district subject to a
1 7 voluntary diversity or court-ordered desegregation plan, as
1 8 recognized by rule of the state board of education, may deny a
1 9 request for transfer under this section if the superintendent
1 10 finds that enrollment or release of a pupil will adversely
1 11 affect the district's implementation of the desegregation
1 12 order or diversity plan, unless the transfer is requested by a
1 13 pupil whose sibling is already participating in open
1 14 enrollment to another district, or unless the request for
1 15 transfer is submitted to the district in a timely manner as
1 16 required under subsection 2 prior to the adoption of a
1 17 desegregation plan by the district. If a transfer request
1 18 would facilitate a voluntary diversity or court-ordered
1 19 desegregation plan, the district shall give priority to
1 20 granting the request over other requests.
1 21 A parent or guardian, whose request has been denied because
1 22 of a desegregation order or diversity plan, may appeal the
1 23 decision of the superintendent to the board of the district in
1 24 which the request was denied. The board may either uphold or
1 25 overturn the superintendent's decision. A decision of the
1 26 board to uphold the denial of the request is subject to appeal
1 27 to the district court in the county in which the primary
1 28 business office of the district is located. ~~By July 1, 2004,~~
~~1 29 the~~ The state board of education shall adopt rules
1 30 establishing definitions, guidelines, and a review process for
1 31 school districts that adopt voluntary ~~desegregation~~ diversity
1 32 plans. The guidelines shall include criteria and standards
1 33 that school districts must follow when developing a voluntary
1 34 ~~desegregation~~ diversity plan. The department of education
1 35 shall provide technical assistance to a school district that
2 1 is seeking to adopt a voluntary ~~desegregation~~ diversity plan.
2 2 A school district implementing a voluntary ~~desegregation~~
2 3 diversity plan prior to July 1, ~~2004~~ 2008, shall have until
2 4 July 1, ~~2006~~ 2009, to comply with guidelines adopted by the
2 5 state board pursuant to this section.

EXPLANATION

2 6
2 7 This bill eliminates a reference to minority and
2 8 nonminority pupil ratios maintained according to a voluntary
2 9 desegregation plan or order under the state's open enrollment
2 10 law. The bill requires that the state board of education
2 11 adopt administrative rules establishing definitions,
2 12 guidelines, and a review process for voluntary diversity
2 13 plans, and gives school districts implementing a plan prior to
2 14 July 1, 2008, until July 1, 2009, to comply with the new
2 15 guidelines adopted by the state board. The bill also requires
2 16 departmental rules to recognize court-ordered desegregation
2 17 plans.
2 18 The bill is drafted in response to the U.S. Supreme Court's

2 19 decision in Parents Involved in Community Schools v. Seattle
2 20 School District No. 1 et al., No. 05=908, (together with
2 21 Meredith, Custodial Parent and Next Friend of McDonald v.
2 22 Jefferson County Bd. of Ed et al., No. 05=915,) decided June
2 23 28, 2007. In its decision, the court stated that the court
2 24 has condemned as illegitimate a plan whose objective is
2 25 directed only to racial imbalance, without "any pedagogic
2 26 concept of the level of diversity needed to attain the
2 27 asserted educational benefits." The court reiterated that it
2 28 is permissible to "consider the school's racial makeup" as one
2 29 aspect in adopting "general policies to encourage a diverse
2 30 student body." The court offered a number of measures which
2 31 may be used to offer equal educational opportunity to all.
2 32 LSB 5331HV 82
2 33 kh/rj/24